

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	1:17-cr-3248-JMC
)	
JONATHAN ROMO-RIVERA,)	
)	
Defendant.)	

**ORDER GRANTING AMENDED MOTION TO DISMISS THE INDICTMENT AS TO
DEFENDANT JONATHAN ROMO-RIVERA WITHOUT PREJUDICE; DENYING AS
MOOT MOTION TO DISMISS THE INDICTMENT AS TO DEFENDANT JONATHAN
ROMO-RIVERA WITHOUT PREJUDICE; AND VACATING MOTION HEARING**

On March 7, 2019, the Government filed a motion to dismiss the indictment in the above-styled criminal action without prejudice. In that motion, the Government stated that it agreed to dismiss the indictment upon sentencing pursuant to the plea agreement. The plea agreement, however, contained no such provision. The Court then set the motion for a hearing to be held on April 8, 2019. On March 25, 2019, the Government filed an amended motion to dismiss the indictment without prejudice, acknowledging that the Government “inadvertently omitted this part of the plea agreement.” In the amended motion, the Government represents that the conduct it charged in the Information was the same conduct alleged in the Indictment, with the exception of the removal of the mandatory minimum. The Government further clarified that it seeks dismissal of the indictment, even though it was not a required term of the plea agreement.

For good cause shown, the Court GRANTS the Government’s Amended Motion to Dismiss the Indictment as to Defendant Jonathan Romo-Rivera Without Prejudice (Doc. No. 51). Accordingly, this Court DISMISSES the Indictment without prejudice (Doc. Nos. 17 and 18). The

Court also DENIES AS MOOT the Government's original Motion to Dismiss the Indictment as to Defendant Jonathan Romo-Rivera Without Prejudice (Doc No. 49). Finally, the Court VACATES the motion hearing scheduled for April 8, 2019.

IT IS SO ORDERED.

Entered for the Court
this the 5th day of April, 2019

/s/ Joel M. Carson III
Joel M. Carson III
United States Circuit Judge
Sitting by Designation